**When Tisha Be-Av Falls on Shabbat**

**By Rav Yair Kahn**

**1. The Status of Shabbat**

This year, the ninth of Av falls on Shabbat. Since it is prohibited to fast on Shabbat, the fast is pushed off until Sunday, the tenth of Av. However, there are many things prohibited on Tisha Be-Av aside from fasting, and it is usually permissible to refrain from these things on Shabbat. Do these laws apply on Shabbat, despite the fact that the fast is delayed?

This question was debated by the *poskim*. The *Shulchan Arukh* (OC 554:19) rules that none of the laws of Tisha Be-Av apply on Shabbat, while the Rema argues that those laws of mourning that can be observed in private apply on Shabbat as well.

The position of the Rema is based on a comparison between the laws of Tisha Be-Av and the laws of general *aveilut* (mourning). The *gemara* (*Yevamot* 43b) refers to various laws of Tisha Be-Av as “*aveilut yeshana*,” historical mourning, as opposed to mourning over the passing of a relative, which is termed “*aveilut chadasha*,” mourning due to an immediate and current event. In the context of *aveilut chadasha*, during the Shabbat of *shiva*, the mourner only observes those aspects of mourning that are private. Public display of mourning is avoided on Shabbat (YD 400:1). Since Tisha Be-Av is a day on which we mourn the destruction of the *Beit Ha-Mikdash* (*aveilut yeshana*), it would make sense to apply the rules of general mourning to the case of Tisha Be-Av as well. Therefore, the Rema rules that private expressions of mourning should be observed when Tisha Be-Av falls on Shabbat.

As noted above, the *Mechaber* rejects this position and rules that even private expressions of mourning are permitted when Tisha Be-Av falls on Shabbat. Apparently, he felt that since one cannot observe the fast on Shabbat, Tisha Be-Av was simply uprooted from Shabbat and replanted on Sunday. Consequently, all the mourning aspects of Tisha Be-Av are only observed on Sunday the tenth of Av as well (see Rosh, *Ta'anit* 4:32).

The question of whether Tisha Be-Av is uprooted from Shabbat, or whether it remains in effect (but with the fasting postponed until Sunday), has a number of other ramifications. There are certain laws of mourning that apply to the week in which Tisha Be-Av falls. (Ashkenazim follow the *minhag* recorded by the Rema that these laws are observed beginning on Rosh Chodesh Av.) When Tisha Be-Av falls on Shabbat, are these laws observed from the previous Sunday? If Tisha Be-Av was uprooted and replanted on the tenth of Av, then the week preceding Shabbat would not be considered the week in which Tisha Be-Av falls (see *Shulchan Arukh*, OC 551:4). When the ninth of Av falls on Shabbat, what day would be considered Erev Tisha Be-Av – Shabbat (see *Magen Avraham* 553:7) or Friday (see Taz 551:16)?

**2. Determining Which Prohibitions Might Apply on Shabbat**

According to the Rema, who rules that private mourning is observed when the ninth of Av falls on Shabbat, we must define which laws of mourning are considered private and which are public. In general, the distinction between public and private mourning is not only a question of location. Certain laws of mourning, by their very nature, are defined as private, while others are considered public. The classic example of private mourning is avoidance of marital relations. On the other hand, sitting on the floor or removing one's shoes as an expression of *aveilut* is prohibited on Shabbat.

The Taz (OC 554:9) rules that washing with hot water is a private act and is therefore prohibited according to the Rema when Tisha Be-Av falls on Shabbat. The claim that washing is a private expression of mourning (as opposed to not wearing shoes) certainly makes sense. However, limiting this prohibition to hot water is puzzling. After all, the *Shulchan Arukh* (OC 554:7) rules that one may not wash with hot or cold water on Tisha Be-Av. Does the Taz maintain that refraining from using cold water is more public than avoiding hot water? Consider the laws of general mourning, where the *Mechaber* (YD 400:1) rules that washing is considered private, without distinguishing between cold water and hot.[[1]](#footnote-1)

In order to appreciate the position of the Taz, we must take a deeper look at the nature of the prohibitions of Tisha Be-Av in general, with a specific focus on how that relates to the case of Tisha Be-Av that falls on Shabbat.

The Brisker Rav, Rav Velvel Soloveitchik *zt"l*, noted that the prohibitions of Tisha Be-Av can be divided into two basic categories. One of the categories, which was noted above, is that of mourning. The *gemara* at the end of *Ta’anit* (30a) states that all the laws of mourning apply to Tisha Be-Av. The other category is that of a fast day. The *gemara* in *Pesachim* (54b) compares Tisha Be-Av to a public fast, which is similar to Yom Kippur, insofar as the fast includes refraining from washing, anointing, wearing leather shoes, and having marital relations (see Mishna *Ta'anit* 1:6). Some of the laws of Tisha Be-Av, such as the prohibition of learning Torah, are based solely on the comparison to *aveilut*, while others, such as the prohibition of eating and drinking, are only due to the status of Tisha Be-Av as a fast day. However, some of the laws of Tisha Be-Av, such as the prohibition of washing and wearing shoes, are rooted both aspects – that of a day of mourning and that of a fast day.

Let us analyze the prohibition of washing on Tisha Be-Av based on this categorial distinction. With regard to the laws of mourning, one is permitted to wash his hands and face with cold water, but washing with hot water is forbidden (YD 381:1). On Yom Kippur, on the other hand, washing hands in cold water is prohibited as well (OC 613:1). As noted above, on Tisha Be-Av, washing one's hands in cold water is forbidden. Are we to conclude from this that the prohibition of washing on Tisha Be-Av is rooted in its status as a fast day and unconnected to the laws of mourning?

According to Rav Velvel, if one were to wash his hands in cold water on Tisha Be-Av, he would only violate the aspect of the fast day. However, if one were to wash his hands in hot water, he would violate both aspects – the fast day as well as the mourning component.

Let us return to the case of Tisha Be-Av that falls on Shabbat. Which aspect of Tisha Be-Av applies and which is postponed? The reason that the fast is pushed off until Sunday is not only that one is obligated to eat on Shabbat, but also that a fast day and Shabbat are halakhically incompatible.[[2]](#footnote-2) Therefore, none of the fast day aspects of Tisha Be-Av can apply on Shabbat. Only the mourning elements of Tisha Be-Av can apply on Shabbat, at least with respect to the private expressions. Therefore, the Taz ruled that only washing with hot water is prohibited on Shabbat, as that prohibition is rooted in the mourning aspect of the day.

 **3. Separating the Fast from the *Aveilut***

In light of the above, we can return to the halakhic debate between the *Mechaber* and the Rema. We noted that according to the *Mechaber*, when Tisha Be-Av falls on Shabbat, it is totally uprooted and replanted on Sunday. The Rema, on the other hand, maintained that Shabbat retains the mourning aspect of Tisha Be-Av. Rav Velvel’s distinction may help us to explain these two approaches.

As we noted above, Rav Velvel distinguished between the mourning aspect of Tisha Be-Av and the fast day aspect. What is the relationship between the two? To put the question differently: Can these two aspects be separated? Is the aspect of the fast totally distinct from that of mourning, insofar as the laws of mourning can be observed independent of the fast? Or are the two organically integrated, so that they cannot be separated?

Even if we concede the distinction between the components that combine to form the laws of Tisha Be-Av, as proposed by Rav Velvel, a holistic approach will lead us to the position of the *Mechaber*. If the two aspects cannot be separated, then all elements of the day are uprooted to Sunday.

A fast day is a day of prayer and repentance. When a national calamity occurs, such as war or famine, a fast is instituted. The Rambam (*Hilkhot* *Ta’aniyot*, ch. 1) notes that the primary purpose of establishing the fast is to acknowledge that a calamity is the medium through which *Hashem* communicates our failings. The second purpose, which is a direct result of the first, is to lead us to repent and cry out to *Hashem* so that the divine decree should be repealed. Similarly, the Rambam notes that one can accept upon himself a private fast when facing a private calamity, such as the sickness of a loved one. However, if that loved one should *chas ve-shalom* pass away, prayer stops and mourning begins. Through prayer and repentance, we attempt to alter the divine decree. The idea of mourning is surrender to *Hashem*'s inscrutable will and acceptance of the divine decree.  It is therefore easy to understand why the element of Tisha Be-Av as a fast day could be separated from the mourning component, as the Rema maintains.

On the other hand, if we move from the individual perspective back to a national one, it is clear that the destruction of the *Beit* *Ha-Mikdash* is the parallel to the passing of a loved one. Therefore, Tisha Be-Av, the day on which we recall and relive the destruction of the *Beit* *Ha-Mikdash*, is essentially a day of mourning, not of prayer. On Tisha Be-Av, we recite *kinnot*, which express our grief over the *churban*, while on a standard fast day we recite *selichot* and the Thirteen *Middot* of *Rachamim*, an expression of prayer and repentance. It seems reasonable to suggest that the status of Tisha Be-Av as a fast day is a way of expressing the depth of our mourning over the *Mikdash*. Therefore, although we apply the rules of a standard fast day, on Tisha Be-Av the fast itself is an expression of profound grief and mourning. If so, one might claim that since Shabbat is totally incompatible with the fast day component of Tisha Be-Av, this negatively affects the institution of Tisha Be-Av as a day of mourning. As a result, the entire mourning over the *Beit Ha-Mikdash* was postponed to the tenth of Av, the day on which the major part of the destruction actually occurred (see *Ta’anit* 29a).

1. In the context of this *shiur*, we will not explain why the Rambam specified hot water with regard to general mourning. [↑](#footnote-ref-1)
2. In this context, we will not discuss the exceptions of Yom Kippur and a *ta’anit* *chalom*. [↑](#footnote-ref-2)